

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE:)
)
RUSSELL A. BROOKS) Case No. 15-80927
SSN: xxx-xx-0397) Chapter 13
ALISHA D. BROOKS)
SSN: xxx-xx-9754)
1011 MATTOX LN)
SALLISAW, OK 74955)
Debtor(s).)

MOTION TO DISMISS

COMES NOW, William M. Bonney, the Standing Chapter Thirteen Trustee and informs the Court as follows:

1. Per the Debtors confirmed plan they were to turn over \$495.00 of their 2018 refunds totaling \$1,595.00.
2. The Debtors have failed to turn over the refund to the Trustee per their confirmed plan.
3. Mrs. Brooks advised the Trustee that they were still waiting on the 2018 refund.
4. According to the Internal Revenue Services the \$1,309.00 refund from them was deposited to the Debtors account on February 27, 2019.
5. Failure to turn over the refund constitutes grounds for dismissal under 11 U.S.C. § 1307.
6. As such, this case should be dismissed, unless the Debtor provides the Trustee with the refund.

WHEREFORE, the Trustee requests that this case be dismissed.

Respectfully submitted,

/s/ William M. Bonney

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